



Lorinda Meier Youngcourt  
Trial Attorney, WA Bar 50988  
Federal Defenders of Eastern WA & ID  
10 North Post, Suite 700  
Spokane, WA 99201  
(509) 624-7606  
[Lorinda.Youngcourt@fd.org](mailto:Lorinda.Youngcourt@fd.org)  
Counsel for James Dean Cloud

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

The Honorable Salvador Mendoza, Jr.

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DEAN CLOUD,

Defendant.

Case No. 1:19-CR-2032-SMJ-1

STATUS REPORT

Hearing – Yakima  
November 14, 2020 @ 1:30 p.m.

This matter is set for status conference on Tuesday, November 24, 2020 at 1:30 p.m. The parties conferred via videoconference on November 19, 2020. Counsel for James Cloud provides this status report which has been reviewed and approved by counsel for Donovan Cloud and the government.

**I. Best interests of justice require vacating the January 19, 2021 trial date**

Both James and Donovan Cloud will be filing a motion to continue the upcoming trial date. First, defense counsel cannot provide the constitutionally guaranteed assistance of counsel necessary to defend their clients by January 19<sup>th</sup>, 2021. A third superseding indictment adding ten (10) additional counts, four (4) of which are murder, was filed on November 18, 2020, ECF No. 242.<sup>1</sup> The government has evidence at the FBI Laboratory about which it has yet to receive testing results or reports.

Second, the coronavirus pandemic has taken a turn for the worse as evidenced by Washington Governor Jay Inslee's new guidelines for indoor gatherings with people outside the household which require 14 day quarantines prior to gathering.<sup>2</sup> While Governor Inslee's guidelines specifically exclude "court and judicial branch-related proceedings," they are a clear indication of what is happening in the venire community. The parties agree it is unlikely a jury could be empaneled on January 19, 2021. Further, the worsening pandemic impacts defense counsel's ability to interview witnesses, conduct investigation, and meet with their clients.

---

<sup>1</sup> Arraignments are scheduled to take place on Monday, November 23, 2020.

<sup>2</sup> Washington State Coronavirus Response, COVID-19 Guidance (Nov 15, 2020), available at <https://bit.ly/2ILEnnK>.

1 **II. Scheduling of a new trial date and deadlines can best be accomplished at**  
2 **a later time in open court**

3 A vacuum of reliable information exists upon which the defendants can plan a  
4 realistic timeline for preparation. The government advises, depending upon the  
5 results of the outstanding FBI laboratory testing, a fourth superseding indictment  
6 adding more additional counts could be sought. The FBI laboratory prioritizes its  
7 work, in part, on trial dates. With a January 19, 2021 trial date, the evidence should be  
8 near the front of the queue. The parties all agree the defendants cannot retain their  
9 own experts and prepare and litigate forensic evidentiary issues until the FBI  
10 completes and reports its testing.

11 Finally, recent reports indicate COVID-19 vaccines could become available by  
12 the end of December.<sup>3</sup> At risk groups will have vaccine priority with general  
13 population availability forecast for July of 2021.<sup>4</sup> All the parties agree the fluctuating  
14 nature of the coronavirus pandemic and the upcoming availability of vaccines will  
15 affect jury empaneling.

16 The parties agree setting a realistic trial date and deadlines requires information  
17 they do not currently have but are hopeful of receiving by the January 19<sup>th</sup> final pre-

18  
19 \_\_\_\_\_  
20 <sup>3</sup> Erika Edwards, NBC News, *Covid-19 vaccines could be available by the end of December*  
(Nov 18, 2020), <https://nbcnews.to/2UF0EWs>.

21 <sup>4</sup> Science Alert, *When Will I be able to get a COVID-19 Vaccine*, <https://bit.ly/35LDynv>  
(last visited Nov 19, 2020).

1 trial conference date. Coordinating the schedules of seven attorneys and the Court  
2 can best be accomplished with all parties in open Court.

3 **III. All current deadlines should be vacated**

4 Defendants will file their motion(s) for continuance by the December 15, 2020  
5 pre-trial conference date. In the meantime, the parties agree current deadlines for  
6 filing and litigating of pre-trial motions should be vacated.

7 Dated: November 20, 2020

8  
9 /s/Lorinda Meier Youngcourt  
Lorinda Meier Youngcourt  
Federal Defenders of Eastern WA & ID  
10 10 North Post, Suite 700  
Spokane, WA 99201  
11 (509) 624-7606  
[Lorinda\\_Youngcourt@fd.org](mailto:Lorinda_Youngcourt@fd.org)  
12

13 **Certificate of Service**

14 I certify that on November 20, 2020, I electronically filed the foregoing with  
15 the Clerk of the Court using the CM/ECF System, which will notify all counsel or  
16 record.

17 /s/Lorinda Meier Youngcourt  
Lorinda Meier Youngcourt  
18 Federal Defenders of Eastern WA & ID  
10 North Post, Suite 700  
19 Spokane, WA 99201  
(509) 624-7606  
20 [Lorinda\\_Youngcourt@fd.org](mailto:Lorinda_Youngcourt@fd.org)  
21